

REMARKS

In the Final Office Action, the Examiner rejected claims 6 and 9-12 under 35 U.S.C. 102(e) as being anticipated by Rocci (WO 01/65441). Applicants respectfully traverse the rejections in the Final Office Action. Applicants respectfully submit that the pending claims are in condition for allowance and request reconsideration and reexamination of this application.

REJECTION OF CLAIM 6 UNDER 35 U.S.C. § 102

Rocci fails to disclose all elements of the claimed invention. For example, Rocci does not teach a “database comprising confidential main ingredient information and corresponding second main ingredient information, the first confidential main ingredient information being confidential information of the product manufacturer” and “information conversion means for selecting a second main ingredient by comparing properties of the confidential main ingredient stored in the database with properties of a plurality of potential second main ingredients stored in the database,” where “the medicine prototype support system does not reveal the identity of the confidential first main ingredient to the composition manufacturer system,” as is recited in claim 6.

In the Final Office Action, the Examiner contends that “suppliers” correspond to the claimed product manufacturer (Office Action at 3 (referring to page 11, second paragraph of Rocci)) and that “users” or “customers” 20a correspond to the claimed composition manufacturer systems (Office Action at 3-4 (referring to page 13, third paragraph of Rocci)). Moreover, the Examiner argues that comparison 809, found in Fig. 8 of Rocci, corresponds to the claimed “information conversion means for selecting a second main ingredient by comparing properties of the confidential main ingredient

stored in the database with properties of a plurality of potential second main ingredients stored in the database.” (Final Office Action at 3.)

According to page 16 of Rocci, “Fig. 8 provides an example flow diagram of the process of the customer stepping through the formulation website to derive a set of formulations.” First, “the customer enters information that defines the formulation application, e.g., coatings, glue, clock circuits, etc.” (Rocci at 16.) Next, “the customer enters limits and prioritizes features in selecting the formulation (step 804).” *Id.* This definition of desired application and features results in a set of requirements in step 805. *Id.* The requirements are used to generate a query resulting in a set of matching results in step 807. *Id.* After receiving the results, the customer can review the results and request comparison data in steps 808 and 809. *Id.* (Emphasis added).

As set forth on page 11 of Rocci, a customer would only have access to a “previously arranged subset of formulation data.” Because claim 6 requires that “the medicine prototype support system does not reveal the identity of the confidential first main ingredient to the composition manufacturer system,” the alleged confidential first ingredient information on which the Examiner relies would not be available for use by the customer in the comparison step 809. Instead, the customer could only view and compare those formulation to which it had access.

Thus, Rocci describes no information conversion means for selecting “a second main ingredient by comparing properties of the confidential main ingredient stored in the database with properties of a plurality of potential second main ingredients stored in the database” where “the medicine prototype support system dos not reveal the identity of the confidential first main ingredient to the composition manufacturer system.” Instead,

the process illustrated in Fig. 8 of Rocci allows a “customer”—an end user of a formulation—to define an application for formulation and certain features of the formulation and then compare non-confidential formulations that meet the user’s specifications.

To the extent that the Examiner changes course and argues that the “customer” of the Rocci reference corresponds to the claimed “product manufacturer,” the alleged second main ingredient information would be transmitted to the product manufacturer, not a “composition manufacturer system” as required in claim 6. Specifically, as explained on page 16 of Rocci, the process of Figure 8 of Rocci sends formulation data to the same customer that enters information about the formulation application.

For at least these reasons, Rocci does not disclose all elements of claim 6 and claim 6 is allowable over the applied reference.

CLAIM 9 IS ALLOWABLE OVER THE APPLIED REFERENCES

Claim 9 recites “information conversion software that selects a second main ingredient by comparing properties of the first main ingredient stored in the database with properties of a plurality of potential second main ingredients stored in the database” and “a server for transmitting second main ingredient information and composition ingredient information to a composition manufacturer system,” wherein “the first main ingredient information is confidential information of the product manufacturer, the second main ingredient information is non-confidential, and the medicine prototype support system does not reveal the identity of the confidential first main ingredient to the composition manufacturer system.”

Rocci does not disclose using software to select (non-confidential) second main ingredient information based on (confidential) first main ingredient information where “the medicine prototype support system does not reveal the identity of the confidential first main ingredient to the composition manufacturer system.” The process illustrated in Fig. 8 of Rocci allows a “customer”—an end user of a formulation—to define an application for formulation and certain features of the formulation. As explained on page 11 of Rocci, however, a user 20A would only have access to a “previously arranged subset formulation data,” meaning that the alleged confidential first ingredient information on which the Examiner relies would not be available to a user using the process shown in Fig. 8 to find a desired formulation. Thus, any software described by Rocci does not select a second main ingredient by comparing properties of the first main ingredient stored in the database with properties of a plurality of potential second main ingredients stored in the database. Indeed, claim 9 specifically requires that “the medicine prototype support system does not reveal the identity of the confidential first main ingredient to the composition manufacturer system.”

Moreover, to the extent that the Examiner argues that the “customer” of the Rocci reference corresponds to the claimed “product manufacturer,” the alleged second main ingredient information would be transmitted to the product manufacturer, not a “composition manufacturer system” as required by claim 9. Specifically, as explained on page 16 of Rocci, the process of Figure 8 of Rocci, sends formulation data to the same customer that enters information about the formulation application.

Claim 9 is allowable over the cited references for at least these reasons.

CLAIMS 10-12 ARE ALLOWABLE OVER THE APPLIED REFERENCES

Claim 10 recites a “method of requesting prototype manufacture from a composition manufacturer,” including “receiving a request from a product manufacturer, the request including main ingredient information that is confidential information of the product manufacturer” and “selecting a second main ingredient by comparing the properties of the confidential main ingredient with the properties of a plurality of potential second main ingredients.” The method of claim 10 also requires “maintaining the confidentiality of the first main ingredient information by not transmitting it to the composition manufacturer.” Rocci fails to teach or suggest at least these elements of claim 10.

As described above with respect to claims 6 and 9, the process illustrated in Fig. 8 of Rocci allows a “customer”—an end user of a formulation—to define an application for formulation and certain features of the formulation. This customer, however, would only have access to a “previously arranged subset formulation data,” meaning that the alleged confidential first ingredient information on which the Examiner relies would not be available to a customer using the process shown in Fig. 8 to find a desired formulation. (Rocci at 11.) Accordingly, Rocci does not teach or suggest “selecting a second main ingredient by comparing the properties of the confidential main ingredient with the properties of a plurality of potential second main ingredients,” as required by claim 10.

To the extent that the Examiner argues that the “customer” of the Rocci reference corresponds to the claimed “product manufacturer,” the alleged second main ingredient information would be transmitted to the product manufacturer, not a “composition manufacturer system” as required by claim 10. Specifically, as explained

on page 16 of Rocci, the process of Figure 8 of Rocci, sends formulation data to the same customer that enters information about the formulation application.

For at least these reasons, Rocci fails to teach or suggest at least these elements of claim 10 and claim 10 is allowable over the applied references. Claims 11-12 are allowable at least due to their dependence from claim 10.

CONCLUSION

Applicants respectfully requests that the Examiner consider this Reply under 37 C.F.R. § 1.116 and allow pending claims 6 and 9-12. Applicants' remarks do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Reply should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the consideration of this Reply would allow the Applicants to reply to these final rejections and demonstrate that the application is in condition for allowance.

Finally, Applicants submit that the consideration of the Reply would put the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references

cited against this application. Applicants therefore request reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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